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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,301	10/31/2003	Catherine Kalke	6541-63038	2701
33265	7590	11/21/2006		
KLARQUIST SPARKMAN, LLP 121 S.W. SALMON STREET, SUITE 1600 ONE WORLD TRADE CENTER PORTLAND, OR 97204				
			EXAMINER TRAN, CONGVAN	
			ART UNIT 2617	PAPER NUMBER

DATE MAILED: 11/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/700,301	<b>Applicant(s)</b> KALKE, CATHERINE	
	<b>Examiner</b> CongVan Tran	<b>Art Unit</b> 2617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 September 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 4 and 28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-127, 29-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This Office Action is in response to Amendment filed on Sept. 12, 2006.
2. Claims 1, 5, 19-22, 24, 27, 29, and 30 have been amended.
3. Claims 4 and 28 have been canceled.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 23-27, and 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Sung et al. (2002/0038369).

**Regarding claims 23, and 27,** Sung discloses a Internet interface service system comprising: establishing a connection between the unactivated mobile wireless device and a user interface generator operable to receive from the unactivated mobile wireless device an indication of services desired (see figs.1-3, element 10, 1 and its description); in software, translating the indication of services desired to appropriate provisioning directives (see fig.2, element 21, and its description); and sending the provisioning directives to appropriate elements within a mobile wireless network support system to effect automated activation and provisioning for the unactivated mobile wireless device (see figs.1-2, element 1, 10, and its description).

**Regarding claims 24-26, and 34,** Sung discloses a Internet interface service system comprising: an unactivated mobile wireless device (see fig.1, element 10 and its description); and indicia of data operable for activating the device via the device itself when the data is provided to an activation server via the device and operable for activating the device via a wired web session when the data is provided to the activation server via the wired web session (see figs.2-3, paragraphs {0024}, [0027] and its description).

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 1-3, 19-27, and 29-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Segal et al. (6,836,651).

**Regarding claims 1-3, and 19,** Segal discloses a portable cellular phone system having remote voice recognition comprising: receiving an indication of one or more subscriber-desired services, wherein the subscriber-desired services are selected by the subscriber via an electronic user interface, wherein the electronic user interface comprises a user interface presented by mobile wireless device (see fig.1, element 24 and its description); translating the indication of the subscriber-desired services into associated provisioning directives (see figs.1-2, element 34, 30, fig.2, element 44, col.12, lines 41-59 and its description); and sending the associated provisioning directives to provisioning elements within the wireless communications network support system to achieve provisioning for the subscriber-desired services (see fig.24, elements 34, 23, 42 and its description).

**Regarding claim 20**, Segal discloses a portable cellular phone system having remote voice recognition comprising: a translation engine operable to translate indications of one or more subscriber-desired services into associated provisioning directives, wherein the indications of the one or more subscriber desired services are received by the server computer system from the mobile wireless device (see figs.1-2, element 34, 30, fig.2, element 44, col.12, lines 41-59 and its description); and a real time provisioning engine operable to send the associated provisioning directives within the wireless communications network support system, the real time provisioning engine being operable to thereby achieve automated provisioning for the one or more subscriber-desired services (see fig.24, elements 34, 23, 42 and its description).

**Regarding claims 21, and 29**, Segal discloses a portable cellular phone system having remote voice recognition comprising: means for receiving communications from a wired web whereby a subscriber can select desired services via a web interface (see fig.24, elements E, 14, 30); means for receiving communications from the mobile wireless device whereby a subscriber can select desired services via a user interface of the mobile wireless device (see fig.1, element 24 and its description); and means for translating the desired services into associated provisioning directives, wherein the means for translating is shared by the means for receiving communications from the wired web and the means for receiving communications from the mobile wireless device (see figs.1-2, element 34, 30, fig.2, element 44, col.12, lines 41-59, fig.24, elements E, 14, 30 and its description).

**Regarding claim 22**, Segal discloses a portable cellular phone system having remote voice recognition comprising: receiving from a user of the unactivated mobile wireless device via a user interface presented by the unactivated mobile wireless device an indication of services desired by the user(see fig.1, elements 34, 24 and its description); translating the indication into provisioning directives operable to provision the services (see figs.1-2, element 34, 30, fig.2, element 44, col.12, lines 41-59 and its description); and sending the provisioning directive to provisioning the services (see fig.24, elements 34, 23, 42 and its description).

**Regarding claims 23, and 27**, Segal discloses a portable cellular phone system having remote voice recognition comprising: establishing a connection between the unactivated mobile wireless device and a user interface generator operable to receive from the unactivated mobile wireless device an indication of services desired (see fig.1, element 24 and its description); in software, translating the indication of services desired to appropriate provisioning directives (see figs.1-2, element 34, 30, fig.2, element 44, col.12, lines 41-59 and its description); and sending the provisioning directives to appropriate elements within a mobile wireless network support system to effect automated activation and provisioning for the unactivated mobile wireless device (see figs.1-2, element 34, 30, fig.2, element 44, col.12, lines 41-59, fig.24, and its description).

**Regarding claims 24-26, and 34**, Segal discloses a portable cellular phone system having remote voice recognition comprising: placing indicia of information for activating the mobile wireless device with a distribution package comprising the mobile

wireless device (see fig.1, element 34 and its description); and upon receipt of the indicia in an automated system, activating the mobile wireless device; wherein receipt of the indicia can be achieved via a web browser interface or via a user interface of the mobile wireless device (see figs.1-2, element 34, 30, fig.2, element 44, 42, col.12, lines 41-59 and its description).

**Regarding claims 30-33**, Segal discloses a portable cellular phone system having remote voice recognition comprising: presenting a series of user interfaces at a wireless mobile device to receive user selections for completing activation (see figs.1, 32, 36-38 and its description); and receiving user selections via the user interfaces, wherein the user interfaces comprise a user interface for selecting voice services (see figs.1-2, element 34, 30, fig.2, element 44, col.12, lines 41-59 and its description).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4-18 rejected under 35 U.S.C. 103(a) as being unpatentable over Segal et al. (6,836,651).

Regarding claims 5-18, the Examiner takes Official notice that these features the communication device is structurally integrated with communication device is notoriously well known in the art in order to improve the use of the mobile devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CongVan Tran whose telephone number is 571-272-7871. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on 571-272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
CONGVAN TRAN  
PRIMARY EXAMINER

CongVan Tran  
Primary Examiner  
Art Unit 2617

Nov. 16, 2006.